

# **EXHIBIT 9**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE**

PAULA PAGONAKIS )  
 )  
 Plaintiff, ) Case No. 06-027  
 )  
 v. ) **JURY TRIAL DEMANDED**  
 )  
 EXPRESS, LLC, a/k/a/ )  
 LIMITED BRANDS, INC. )  
 )  
 Defendant. )

**DECLARATION OF OTIS NELSON III**

I, Otis Nelson III, do hereby affirm and solemnly declare pursuant to 28 U.S.C. § 1746:

1. I am over 18 years of age and if called to testify at trial would be competent to testify as to the matters set forth below.

2. I began working for Express in November 2003. I left Express in July 2004.

3. Paula Pagonakis, the Plaintiff in the captioned matter, interviewed me for, and hired me into, my position with Express. Paula and I worked together for Express at the Christiana Mall from the time I started working for Express until Paula's employment was terminated in March 2004.

4. During this time, the Christiana store's Manager, Kristyn Bosley frequently reprimanded me for conversing with Paula. Ms. Bosley would scold me for speaking with Paula – even when it was clear that our communications were in the employee/manger role. These punishments were not always verbal; sometimes Ms. Bosley would assign me tasks in another section of the Christiana store, or would make

sure I was not scheduled on the same shift as Paula. As a result, I began to avoid talking to Paula, in any capacity, in an attempt to avert the assured verbal or busy-work consequences.

5. It was clear to me that the Christiana store's management made efforts to ostracize Paula and create an unwelcome environment for Paula. Based upon my observations, Ms. Bosley and other Co-Managers were successful in creating an undesirable and unfriendly work environment for Paula.

6. It was also clear to me that Paula did not possess the same level of authority or training as other Co-Managers at the Christiana store. For example, unlike the other Co-Managers, Paula was not provided with a full set of store keys. Additionally, there were several instances in which Ms. Bosley or other Co-Managers overrode Paula's directions to sales associates, causing Paula to be humiliated.

Executed this 27th day of February 2007 at Washington, D.C.

  
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Otis Nelson III